

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

ROBERT NASLANIC,	:	Civil No. 3:15-CV-2208
	:	
Plaintiff,	:	
	:	(Judge Mariani)
v.	:	
	:	
WILLIAM GOLDEN, et al.,	:	(Magistrate Judge Carlson)
	:	
Defendants.	:	

MEMORANDUM AND ORDER

The background of this order is as follows:

The plaintiff commenced this action by filing a *pro se* complaint on November 18, 2015. (Doc. 1.) The defendants subsequently moved to dismiss certain counts and claims in this amended complaint. (Docs. 23, 26, 28, and 35.) Following the filing of these motions to dismiss the plaintiff retained counsel, who filed an amended complaint. (Doc. 47.) This amended complaint deletes some party-defendants in this case, changing the legal landscape of this lawsuit. We believe that this development has substantive significance for the parties with respect to the initial motions to dismiss the original complaint filed in this case (Docs. 23, 26, 28, and 35.) since, as a matter of law, an amended complaint takes the place of the original complaint, effectively invalidating the original complaint. Crysen/Montenay Energy Co. v. Shell

Oil Co. (In re Crysen/Montenay Energy Co.), 226 F.3d 160, 162 (2d Cir. 2000) ("[A]n amended pleading ordinarily supersedes the original and renders it of no legal effect"); see 6 Charles Alan Wright, Arthur R. Miller & Mary Kay Kane, Federal Practice & Procedure § 1476 (2d ed. 1990) ("A pleading that has been amended ... supersedes the pleading it modifies.... Once an amended pleading is interposed, the original pleading no longer performs any function in the case...."). Since the complaint in this case has been amended, the original complaint is now a nullity, and any motion to dismiss challenging that original complaint is now moot. Therefore,

1. We will DISMISS the pending motions to dismiss the plaintiff's original complaint (Docs. 23, 26, 28, and 35.) as moot, without prejudice to renewal of those motions with respect to the amended complaint.
2. The clerk is ORDERED to terminate the following defendants who are not named in the amended complaint: David Mitchell, Shane Scanlon, Williams Golden, Lackawanna County Sheriff's Department and Lackawanna County District Attorney's Office.

SO ORDERED, this 25th day of April, 2016.

/s/ **Martin C. Carlson**

Martin C. Carlson

United States Magistrate Judge